

BARNES TURNS HIS BIG GUNS ON ROOSEVELT

Seeks to Demolish Defense's Story of Alliance with Murphy.

COLONEL DRAWN AS PARTY'S BOSS

Court Rules Plaintiff May Show He Was Not Dominant in Fight for Senator.

(From a Staff Correspondent of The Tribune.)

Syracuse, May 12.—All the heavy guns in the battery of William Barnes were directed for the most of to-day against what is practically the only fortification remaining behind which Theodore Roosevelt has sought to justify his alleged libelous statement of last July. Through the testimony of Republican as well as Democratic members of the Legislature of 1911 William M. Ivins, counsel for the plaintiff in the \$50,000 libel suit, sought to show that Mr. Barnes did not enter into a corrupt alliance with Charles F. Murphy in the fight for the United States Senatehip.

Some of the questions asked the witnesses were not permitted by the court, but they were repeated again and again, with the evident purpose of fixing in the minds of the jurymen the thought that nothing was further from the mind of Mr. Barnes than to hold the Republican legislators in line for Senator Depew so that the Democratic boss might have a free hand to elect William F. Sheehan.

To break down the contention of the defense that Mr. Barnes was dominant in the party for many years, and therefore responsible for what it did, both inside and outside the Legislature, Mr. Ivins called up that Colonel Roosevelt was the real leader of the organization in this state from early in 1909 until after the convention of 1910, excluding the period of his absence in Africa.

Declares Roosevelt Leader.

Senator Elton R. Brown, President pro tem. of the Senate, swore to the leadership of Colonel Roosevelt during that period. Leadership, he said, was not a question of holding party office, but rather of universal assent. The then President of the United States had taken the sceptre of leadership from ex-Governor Odell early in 1909, the witness said, and had fully supported the organization in this state from Washington. The nomination of Governor Hughes at Saratoga that fall was "ordered" by the President, he asserted.

The defendant, who seemed to be none too happy to-day over the trend of the trial under the rulings of Justice Andrews, cheered up perceptibly when it was shown of one of the leaders of the party for practically three years and a half. He seemed pleased at the acknowledgment that he had dictated the nomination of Hughes in 1909.

In an attempt to show a motive for the attack on Barnes the plaintiff put John W. Hutchinson on the stand to declare that a few days before it was stated that he would support the Progressives and Republicans ought to get together again, but the Republican party was not big enough for himself and Barnes.

The Colonel was represented as saying he could rip President Wilson to pieces with his Pittsburgh speech and on the foreign policies of the administration. There was no one in the Republican party who could do this and the party needed the "gentleman" and the big stick.

With the idea of shattering a man under the testimony of William Loeb, Jr. It was that he met William Barnes during the fight over the Senatorship in 1911 and was told by him he could not consider having the Republicans join in the election of an independent Democrat because of an understanding he had with Murphy that the latter should have a free hand in his attempt to elect William F. Sheehan.

Questions Loeb's Testimony.

This conversation was placed by Mr. Loeb as just after a luncheon in the office of S. Bache & Co., bankers, at 40 Broadway, about the time it became apparent that Mr. Sheehan could not be elected.

William J. Wollman, of the Baché firm, declared Mr. Loeb had never been in their offices until just after the election of President Wilson in 1912, and that the luncheon referred to occurred six or eight months later.

John M. Bowers was after the witness in the cross-examination. Mr. Wollman stuck to his story, but was forced to acknowledge that he had known Mr. Barnes for three or four years before that time through the speculative stock account the Republican leader had with his firm.

The bulk of the testimony went to indicate that Mr. Barnes finally took an active hand in the plan to cheat the Murphy organization out of the Senatorship by teaming with the independent Democrats with the Republicans. But apparently it came too late for the Democratic switch to Senator O'Gorman occurred on March 31, the day after the second serious conference at the home of Mr. Barnes.

Conferences on Senatorship.

Testifying in regard to the conferences to settle the problem, Senator Brown said it was a question as to whether the Republican votes should be delivered to an individual Democrat who had previously been decided upon.

"I would like to modify that," said Mr. Brown when Mr. Bowers went to it with unerring aim in cross-examination.

"Did you not say to Mr. Osborn?" asked the lawyer. "That Mr. Barnes had told you that the Republican vote would be delivered to an individual Dem-

ocrat?"

"Substantially, yes," was the reply. "Had Mr. Barnes told you the Republican vote could be delivered?"

All the questions were testified on the Senatorship were asked.

"Did you know of any arrangement between Mr. Barnes and Mr. Murphy affecting the determination of the fight for the United States Senate?"

Judge Andrews would not permit the question to be answered, but by inference the other lawyers counsel got from them that they had known of nothing of the kind.

Ex-Governor H. B. Odell, Jr. admitted that corporations, some of which were managed by Democrats, gave to the Republican campaign fund while he was chairman of the State Committee.

Books were kept, but had been destroyed, so that he could not be positive whether the Democrats as individuals contributed. The contributions were received under any promise that they carried protection from effective legislation.

The substance of John W. Hutchinson of the

WRITER AVOIDS JURY BOX Prejudice Against Carrying Gun Excuses McCutcheon.

George Barr McCutcheon, the novelist, after being summoned as a witness in the trial of Frank Madeline, formerly a saloonkeeper of 199 Hester St., charged with the murder of Frank Pappa, was challenged persistently in General Sessions yesterday when he admitted prejudice against any man who might carry a revolver.

"There had been considerable talk of a Republican being nominated as the Progressive candidate," said the witness. "I told the Colonel that the 1912 race had divided our party in 1912 were no longer thinking of the same people. They were no longer thinking of the initiative, the referendum and the recall, but of general prosperity, so the situation was one in which we ought to get together. He said that was so and we ought to get together on a candidate. He said he would go after Wilson with his Pittsburgh speech and on the foreign policies of the President and tear him to pieces. The Republican party had none that could do it and they had to have him."

TAFT WRITES WILSON INDORSES HIS POLICY

Ex-President's View of Proper Course Coincides with That of President.

(From The Tribune Bureau.)

"But he wouldn't stand for Barnes," he said. "The Republican party was not big enough for them both. I told him."

But the witness was getting too talkative, and John J. Adams, who was testifying for the plaintiff, quickly cut him off.

Ex-Governor Odell testified that he was chairman of the Republican State Committee in 1899 and 1900, and that Mr. Barnes was chairman of the Executive Committee. Barnes had nothing to do with the collection of money.

Mr. Barnes had not told the witness to say he knew of no contribution by Robert C. Pray or Anthony N. Brady. Mr. Roosevelt testified that Mr. Barnes had told him in opposing the franchise tax bill that such contributions had been made.

One of the most interesting witnesses of the day was Senator Brown, who was polite to the extent of offering his counsel's pardon when an answer to the justice had ruled in an effort to keep the trial from getting off the track.

"Who was state leader of the Republican party when you were first elected to the Senate in 1897?" he was asked.

"Senator Platt," said the Senator. "He remained so until 1904, when he was succeeded by H. B. Odell."

In 1906 Timothy L. Woodruff became chairman of the State Committee, and was succeeded by Ezra F. Prentiss in 1910, and by Mr. Barnes the following January."

"Who was leader after Odell?"

"How long did you consider he remained as leader?"

"Actively, until shortly after the close of his Presidential term, when he went abroad for a vacation fourteen months. After his return he entered the contest at the 1910 convention and won out. Then he remained leader of the party until after election."

Boss Question Ruled Out.

"During the time you say Mr. Roosevelt was leader did you consider him superior to the others?"

At once there was objection to that column of questioning, and Mr. Ivins, who was testifying for the plaintiff, said: "They have alleged the domination of Mr. Barnes from 1898 to date. It is purported to show that it is not true. Mr. Roosevelt has given volumes of testimony on it. If it appears that during this time he was directing the policy of the state as President of the United States it is beyond your argument."

All the justification I have left in the case," said Justice Andrews, sustaining the objection, "relates to the Senatorship situation in 1911, the only thing that is material as to the dominance of the plaintiff in the party circles. I will let you prove that he was not dominant at the time if you desire the right."

It is far so far requires the evidence of the trial. The defendant was under command of Dennis S. Andrews, then Chairman of the State Committee, and Senatorial Commissioner Charles and Seaman of Manhattan, who acted as judges of the contest. Mr. James G. Andrew, then Chairman of the State Committee, and by Commissioners Bruce, March and Larchmont, was also present. The trial was held Saturday night, and the parties participating had plenty of fun and entertainment.

On Sunday morning Barnes, who was then president of the New York City delegation, went to the starting point. This race was won by Barnes, who signified it to third, using the chairman's code, while the others, after reading the results, said: "We are beaten."

The effects of the race were the test of the strength of Barnes' leadership. Barnes, who was the strongest man in the party, was dominant in the party, and that, being so dominant, he made a corrupt and improper alliance with Mr. Murphy. So far as mitigation goes it makes no difference whether the plaintiff was dominant or not, simply whether or not he believed him to be."

Senator Brown then told at length of the fight for United States Senator in 1904, when he knew of the plaintiff's part in it. He said Thomas M. Osborne had suggested John N. Carlisle, law partner of the witness, as a candidate on whom Republicans and independent Democrats might unite. Mr. Barnes thought the time was ripe for such a union, but feared Carlisle, if elected, would train with Tammany, and so decided not to support him.

Ex-Senator E. T. Brady, testified that Mr. Barnes was the Cuban during the early part of the Senate fight and the early part until the middle of February. The witness said he had no recollection that Mr. Barnes attempted to influence him.

Judicial Counsel Proposed.

Another proposed amendment of the Judge Rodenbeck provided that the Appellate Division shall consist of one of the Supreme Court justices as judiciary counsel, to serve without extra compensation.

The duties of the judiciary counsel shall be to prepare rules of pleading, practice and procedure as to form and expression of the statutes, and to revise and consolidate all the existing statutes, report to the Legislature all defects and omissions in the law and amend bills to remedy these defects, prepare indices of the statutes, and perform such other duties as the Legislature may prescribe.

SWIMMING EVENTS.

Things for distance—Won by Troop 155, second. Troop 45, third. Troop 180, third. Troop 151, second. Troop 157, 29 and third. Won by Troop 45, second. Troop 159, third. Troop 151, fourth. Troop 155, fifth. Troop 45, third. Troop 151, second.

OTHER EVENTS.

Rowing—Single—Won by Troop 155, third. Double—Troop 155, third. Troop 151, second. Troop 157, 29 and third. Won by Troop 45, second. Troop 159, third. Troop 151, second. Troop 155, fifth. Troop 45, third.

Swimming—Weight class—Won by Troop 155 and 150.

Swimming—Beach class—Won by Troop 155 and 150.

Caterpillar race—Won by Troop 155 and 150.

Demolition derby—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Foot race—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

Handball—Mixed—Won by Troop 155, third. Troop 151, second. Troop 157, fourth. Troop 155, fifth. Troop 45, sixth. Troop 151, seventh.

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